

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 9/15/19

-----X
MICHELLE ALLICK, o/b/o M.M.A.,

Plaintiff,

- against -

Commissioner of Social Security,

Defendant.
-----X

ORDER
18 Civ. 2471 (ER)

Ramos, D.J.:

Michelle Allick commenced this action on behalf of her minor son M.M.A. (“Plaintiff”), against Commissioner of Social Security (“the Commissioner”), seeking review of a denial of eligibility for Supplemental Security Income benefits, pursuant to 42 U.S.C. §§ 1381–1385. On April 25, 2018, the Court referred the case to Magistrate Judge Kevin Nathaniel Fox. Doc. 8. On September 14, 2018, the Commissioner of Social Security filed a motion for judgment on the pleadings. Doc. 11. On April 4, 2019, Magistrate Judge Fox issued the Report and Recommendation (“R&R”), recommending that the Commissioner’s motion be granted, and notifying the parties that they had fourteen days from service of the Report and Recommendation to file written objections. Doc. 14. No objection to the Report has been filed.

I. Standard of Review

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise “specific,” “written” objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C);

see also United States v. Male Juvenile (95-CR-1074), 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008). The district court will also review the report and recommendation for clear error where a party's objections are "merely perfunctory responses" argued in an attempt to "engage the district court in a rehashing of the same arguments set forth in the original petition." *Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008) (citations and internal quotation marks omitted).

II. Discussion

Despite Allick's failure to object to the Report, the Court has reviewed Magistrate Judge Fox's thorough and well-reasoned Report and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Fox's recommendation to grant the Commissioner's motion.

For the reasons set forth above, the Commissioner's motion for judgment on the pleadings is GRANTED. The Clerk of the Court is respectfully directed to terminate the motion and close the case. Doc. 11.

It is SO ORDERED.

Dated: August 15, 2019

New York, New York

A handwritten signature in black ink, appearing to read 'Edgardo Ramos', is written over a horizontal line.

Edgardo Ramos, U.S.D.J.